



Michigan National Organization for Women

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December 12, 2012

Honorable Pete Lund, Chair
House Insurance Committee
374 House Office Building
Lansing, Michigan

Dear Representative Lund and Members of the House Insurance Committee:

The Michigan National Organization for Women **opposes SB 975**, a bill which would allow health care insurers, health care facilities, and health care providers to discriminate against patients and deny or delay medical services to them based on religious objections to the services by the insurer, facility or provider. This bill violates the right of patients to receive medical care without religious bias by health care insurers, facilities and providers.

When this bill was considered by the Senate last week, Senator Roger Kahn, a physician, was reported in both MIRS and Gongwer as saying that he could not vote in support of the bill because it violated the Hippocratic Oath he took when he became a doctor. He was quoted as saying, "I wonder what constitutes conscience? Should I not be required to carry out my duties as a physician on things I don't like? Would I refuse to treat somebody because I don't like Jews? Should I refuse to treat someone because they're gay? Because they're fat?" he said. "I'm very concerned about this. I would like to (know) how this doesn't violate the oath that I took to treat someone."

Employment non-discrimination laws including Title VII of the federal Civil Rights Act of 1965 and the Michigan Elliott-Larsen Civil Rights Act currently require employers, including health care employers, to accommodate the sincerely held religious beliefs of employees. Typically this means that the employee must be reassigned to a different work schedule or work assignment that does not conflict with the employee's religious beliefs. This bill is not needed to protect individual employees. They are currently protected by federal and state law.

A recent tragic example of what can happen when a government has laws based on religious objections to a medical procedure is the case of Dr. Savitra Halappanavar, a 31-year old Indian dentist living in Ireland. Ireland's constitution officially bans abortion, but a 1992 Supreme Court ruling found the procedure should be legalized for situations when the woman's life is at risk from continuing the pregnancy. Five governments since have refused to pass a law resolving the confusion, leaving Irish hospitals reluctant to terminate pregnancies except in the most obviously life-threatening circumstances and consistent with Catholic teaching. Dr Halappanavar was 17 weeks pregnant with her first child when she began to miscarry and was in intense pain. She went to the University Hospital, Galway and after diagnosis, she asked for an abortion. She was Hindu and did not have a religious belief against abortion. Rather than providing the abortion, the hospital waited for the fetal heartbeat to

NOW's purpose is to take action to bring women into full participation in the mainstream of American society now, exercising all privileges and responsibilities thereof in truly equal partnership with men.

stop before performing the abortion. But it was too late; she died 3 days later of septicemia (blood poisoning) on October 28, 2012.

Essentially Dr. Halappanver's death was because of medical neglect. SB 975 would permit religiously-affiliated hospitals in Michigan to practice medical malpractice or neglect based on a facility's religious policies, putting patients' lives and health at risk. We have several communities in Michigan where all hospitals are controlled by Catholic entities that are governed by the *Ethical and Religious Directives for Catholic Health Care Services* of the U.S. Conference of Catholic Bishops, which prohibit abortion except to save the life of the mother after a fetal heartbeat is no longer detectible. Therefore, women who go to a Catholic-affiliated hospital may not only be denied basic reproductive health care but also may not even be informed of the full range of health care options available to them. Referrals would not be feasible in some situations in these communities. Some women will die or be harmed in Michigan if you do not remove the parts of this bill permitting facilities to deny or delay medical care because of the facility's religious policies.

Michigan NOW realizes that the right of religious conscience is fundamental in our American legal system. But any law protecting the right of conscience must be even-handed and protect all sides, not permitting one religious view to predominate. SB 975 as drafted only protects insurers, facilities, and providers that want to refuse to give medical care. It provides no protection to the religious or ethical consciences of insurers, facilities, or providers who want to provide services (such as non-adherents to the religiously-affiliated hospital's religion-based policies), or to patients who want to receive medical services. This bill is one-sided.

Some examples of what SB 975 would permit:

- an insurer or employer could refuse to cover pregnancy costs associated with an out-of-wedlock pregnancy
- an insurance company could refuse all coverage for homosexuals based on the religious objection of the insurance company
- a doctor or other medical provider could refuse to provide services to a homosexual
- a religiously-affiliated hospital could block doctors from treating miscarriages and late ectopic pregnancies; it could prohibit provision of emergency contraception to rape victims.

We especially believe that any insurer, facility or provider receiving state or federal funds such as Medicaid or Medicare should be required to provide comprehensive medical services and not allowed to discriminate on the basis of religion against patients.

We suggest that the bill be referred to a work group composed of representatives of those who want to protect the religious liberty of all parties in the medical system. Thank you for the opportunity to comment on some of our objections to SB 975.

Mary Pollock

Mary Pollock
Legislative Vice President
Michigan NOW